

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

pplication No.:

10/677,483

Confirmation No.: 4581

Applicant(s): Filed:

Randall S. HICKLE October 3, 2003

Title:

METHODS AND SYSTEMS FOR PROVIDING ORTHOGONALLY

REDUNDANT MONITORING IN A SEDATION AND

ANALGESIA SYSTEM

TC/A.U.:

1615

Examiner:

Not Yet Assigned

Docket No.:

82021-0045

Customer No.:

24633

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449, which the Examiner may deem relevant to the patentability of the above-identified application.

This information disclosure statement is being filed within one of the following time periods: within three months of the filing date of this application other than a continued prosecution application, or within three months of the date of entry into the national stage of this international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Therefore, no certification under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

The USPTO has waived the requirements under 37 CFR 1.98 (a)(2)(I) to submit copies of U.S. patent and U.S. patent applications, publications when citing and submitting an Information Disclosure Statement in a patent application filed after June 30, 2003, and International Application that have entered the National Stage under 37 USC 371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to PRE-OG Notice from the Office of Patent Legal Admin dated July 25, 2003, stating an Information Disclosure Statements may be filed without copies of U.S. patents and published applications for patent applications filed after June 30, 2003.

Application No. 10/677,483
Information Disclosure Statement

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

Dated: January 7, 2005

**HOGAN & HARTSON LLP** 

555 13<sup>th</sup> Street, N.W. Washington, D.C. 20004

Telephone: (202) 637-5600 Facsimile: (202) 637-5910

Customer No. 24633

By: Thomas W. Colombian Celine Jimenez Crowson Registration No. 40,357

Ajit J. Vaidya

Registration No. 43,214

Thomas W. Edman Registration No. 51,643

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT				ATTY. DOCKET NO.		APPLICATION NO.				
				82021-0045		10/677,483				
				APPLICANTS  Randall S. HICKLE						
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Examiner	Cite	Include name of the	author (in CAPITA	AL LETTERS), title of the article (w	hen appropriat	te), Title of the ite	∍m (book,			
Initials*	No.	magazine, journal, so where published.	magazine, journal, serial symposium, catalog, etc.), date, page(s), volui where published.				ity and/or	country		
	International Search Report dated July 15, 2004, for International Application No. PCT/US03/31908.									
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